

## **REMARKS/ARGUMENTS**

### **Claim Rejections - 35 USC § 101**

The Examiner rejects claims 1-32, 43 and 49 under 35 USC § 101 as allegedly being directed to non-statutory subject matter. This grounds for rejection is respectfully traversed.

### **Claims 1 and 43**

The Examiner asserts that the claimed subject matter does not fall into one of the statutory classes mentioned in 35 USC § 101. With respect to claim 1 that assertion is not correct. 35 USC § 101 includes “methods”. Since claim 1 is directed to a method, it falls within a statutory class. Claim 43 has been amended to indicate that the claimed computer program is stored on “computer readable media” and it now falls within a statutory class.

The Examiner also asserted that the claimed steps “do not result in a tangible result” and moreover asserted that claims 1-32 and 43 are “directed to an abstract idea.” The Examiner seems to be relying on *Benson* (409 US at 71-72). The Examiner’s position is not supported by *Benson*. The invention in *Benson* was non-statutory since it had “no substantial practical application”. In this case an embodiment of the invention is described in the context of a very real practical application, namely, the submission of private information to a number of insurers for the purpose of obtaining health insurance quotes. So the invention has a very real practical application. The rejection is without merit.

### **Claims 43 and 49**

Claims 43 and 49 have been amended to indicate that the claimed computer program is stored on “computer readable media” and, as such, these claims are now clearly statutory.

**Claim Rejections - 35 USC § 102**

The Examiner rejects claims 1-43 and 45-49 under 35 USC § 101 as allegedly being fully anticipated by Raley (US Pub. 2003/0196119). This grounds for rejection is respectfully traversed. The Examiner also rejects claim 44 under 35 USC § 101 as allegedly being fully anticipated by Rabin (US Patent 6,697,948). This grounds for rejection is respectfully traversed.

**Claims 1 and 43**

The Examiner ignored the limitation after “such that” asserting that it merely was a statement of intended use. The Applicant disagrees with that characterization since the ignored limitation does not relate to use of the data items, but rather to whether the data items would be instantiated at the computing entity to which the data items are to be made available.

Nevertheless, these claims have been amended in such a a fashion to avoid the use of the ‘such that’ terminology.

Besides the ignored limitation, it is not understood how the remaining limitations can be read on Raley. For example, claim 1 recites “applying individualised usage rules to each of the data items based on a measurement of integrity of a computing entity to which the data items are to be made available.” The Examiner suggests that this is taught at paragraphs 0052-0055 of Raley. But the Examiner fails to indicate in the manner contemplated by 37 CFR 1.104 where each and every limitation of the claim can be found in Raley. For example, exactly what in Raley allegedly corresponds to the recited “usage rules” of claim 1? Is it Raley’s “labels of usage rights”? While Raley’s usage rights “can vary based upon the identity of the user requesting access to document 222”. That does not anticipate “applying individualised usage rules to each of the data items based on a measurement of integrity of a computing

entity to which the data items are to be made available”! The identity of the user and the integrity of a computing entity are different things. And while there is some checking of client-side integrity by module 236, it is not seen how that can be associated with Raley’s “labels of usage rights” or how the limitation “applying individualised usage rules to each of the data items based on a measurement of integrity of a computing entity to which the data items are to be made available” is met.

Similar language to that quote above can also be found in claim 43 and therefore it distinguishes itself from Raley.

### **Claim 33**

Claim 33 has been amended to more clearly distinguish it from Raley. Claim 33 now recites, *inter alia*, that the data items comprise “a set of logically related data items” with “each data item in the set having a rule associated therewith, said rules acting to individually define the use of usage and/or security to be observed when processing each of the data items in the set of data items.” Forwarding is done by set. In the passages note by the Examiner, it is not seen how Raley would met these limitations of claim 33.

### **Claim 45**

Claim 45 is cancelled without prejudice by this response.

### **Claim 46**

Claim 46 includes the recitation “applying individualised usage rules to each of the data items based on a measurement of integrity of a computing entity to which the data items are to be made available in which at least some of the usage rules comprise masking instructions for masking the associated data

items". While the Examiner asserts that Raley meets this limitation, the applicant respectfully disagrees. Raley's usage rules appear to be related to the identity of the user rather than "based on a measurement of integrity of a computing entity to which the data items are to be made available". While there is some checking of client-side integrity by module 236 in Raley, it is not seen how that can be associated with Raley's "labels of usage rights" much less "individualised" as found in the limitation "applying individualised usage rules to each of the data items".

#### **Claim 44**

The rejection based on Rabin is respectfully traversed. Even as the Examiner broadly construe Rabin, claim 44 is not anticipated thereby.

Claim 44 recites that "the private data comprises a plurality of data fields". The Examiner reads the limitation "private data" on Rabin's software, but the Examiner does not define what in Rabin reads on the limitation "data field". Those skilled in the art understand that the term "data field" is used to a column of data in a database or a field in a form used to collect data, as often seen in web pages. The term is used in the present application consistently with the foregoing. See, in particular, Figures 2 and 3 and the discussion relating thereto. Where are there any such data fields in Rabin?

The Examiner next gets into a discussion of Rabin's tags which the Examiner reads on the limitation "customisation data". But Rabin's tags are each associated with an instance of Rabin's software whereas claim 44 requires that "each field is associated with customisation data that controls usage and propagation of the data". So is the Examiner taking the position that an instance of Rabin's software reads on the term "data field"? Since Rabin doesn't state that, such a notion can only be coming from the Examiner's knowledge of the

art. If so, kindly supply the affidavit required by 37 CFR § 1.104. It should be noted that the Applicant then has the privilege of filing a counter affidavit.

Please carefully review 37 CFR § 1.104.

It is respectfully submitted that those skilled in the art know that a data field is not the same thing as an instance of Rabin's software.

### **New Claim 50**

New Claim 50 is an apparatus claim which recites, *inter alia*, "programming for applying individualised usage rules to each of the data items based on a measurement of integrity of the computing entity to which the data items are to be made available, said data items being logically grouped together as a set of data items, and programming for individually instantiating data items in the set of data items at the computing entity as a function of the integrity of the computing entity and the usage rule applicable to each data item in said set" which serves to differentiate it from the cited art.

### **Specification Amendments**

The specification has been amended to add subtitles.

Withdrawal of the rejections and allowance of the claims are respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2125. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the

Response to Official Action

Dated 3 April 2007

Re: USSN 10/643,306

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number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2125.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 20, 2007

(Date of Transmission)

Richard Berg

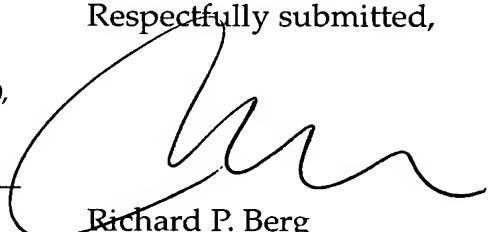
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Respectfully submitted,



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